

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 1:07 CR 327
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	
)	
ALAN GRIFFIN,)	<u>MEMORANDUM OPINION</u>
)	<u>AND ORDER</u>
Defendant.)	

This matter comes before the Court upon Defendant, Alan Griffin's Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2). (ECF #26). The government filed a response in opposition to Mr. Griffin's motion. (ECF #27). For the reasons set forth below, the Defendant's Motion is hereby, DENIED.

Mr. Griffin seeks a reduction to his sentence based on changes to the Controlled Substances Act and the Controlled Substances Import and Export Act, imposed by the Fair Sentencing Act of 2010, which was enacted on August 3, 2010, after Mr. Griffin's sentencing. On June 30, 2011, the Sentencing Commission determined that the Act should be applied retroactively. Under the terms of the Act, Mr. Griffin is eligible for a reduction at the Court's discretion. *See, e.g., United States v. Curry*, 606 F.3d 323, 327 (6th Cir. 2010); *United States v. Johnson*, 564 F.3d 419, 421 (6th Cir. 2009). In making a determination as to whether it will impose an amended sentence or retain the original, "the court shall consider the factors set forth in 18 U.S.C. § 3553(a)." U.S.S.G. § 1B1.10 Appl. Note 1(B)(I). The court must also consider public safety concerns. U.S.S.G. § 1B1.10 Appl. Note 1(B)(ii).

Mr. Griffin has continuously exhibited a propensity for dangerous and illegal behavior. He has been incarcerated for most of his adult life, including most of the last seventeen years. (PSR, pp. 6-7 ¶¶ 24-26). He has been convicted of involuntary manslaughter on two separate occasions, once while fleeing in a stolen car, and once when he was shooting at someone over a drug money dispute. In both instances he killed innocent bystanders, and in the second instance he also shot and wounded his intended target. (Id.). Based on his violent background and history of perpetual criminal activity upon release from prior incarceration, the Court finds that the public safety would not be served by reducing Mr. Griffin's sentence in this case. The Motion for Sentence Reduction is DENIED. IT IS SO ORDERED.

/s/ Donald C. Nugent
DONALD C. NUGENT
United States District Judge

DATED: June 25, 2012